

REMARKS

The Examiner has required an election in the present application between:

Species I, illustrated in Fig(s). 1 and 5; and

Species II, illustrated in Fig(s). 6 and 7.

For the purpose of examination of the present application, Applicants elect Species I, illustrated in Fig(s). 1 and 5, with traverse. Claim(s) 1-2 are directed to the elected species.

It is respectfully submitted that the Examiner's Election/Restriction requirement is improper. The requirement that all species in an application must form a single general inventive concept does not mean that all independent claims must share all technical features. In cases where there are alternative solutions to a particular problem, and where it is not appropriate to cover these alternatives by a single claim, it is within the rules of the PCT to cover these alternatives with multiple independent claims.

According to PCT Rule 13.2, Rule 13.1 "shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features". The special technical features are the features that define the contribution the invention makes over the prior art.

In other words, Rule 13.2 demands that *some* features must be common to all species of the invention, not that *all* features are common.

In the present case the Examiner is correct in that some technical features are not shared by all the species of the invention. However, all species share a number of features that represent the same inventive concept, including at least multiple light sources, spatial optical modulator, optical synthesizer, and beam synthesizer.

The several species represent embodiments of increasing complexity, where the interrelationship of the various parts are of such a nature that they cannot easily be represented as alternatives within a single independent claim or as several dependent claims referring back to one common dependent claim. It is respectfully submitted that the examiner has failed to show that the number of common features and the overall design and functionality of the several embodiments are insufficient for linking them together as alternative embodiments of one inventive concept within the meaning of PCT Rule 13.1.

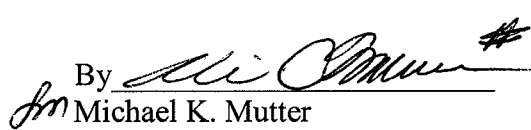
At least for the above reasons, it is respectfully requested to withdraw the Election/Restriction requirement.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam, Registration No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  #58,755
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